

**Notice of Allowability**

Application No.

10/701,473

Applicant(s)

HANNA ET AL.

Examiner

Art Unit

Bernarr E. Gregory

3662

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 05 August 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 06 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

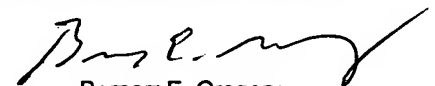
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Bernarr E. Gregory  
Primary Examiner  
Art Unit 3662  
Tel.: (703) 306-5765

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1. The following is an examiner's statement of reasons for allowance:

None of the prior art of record either taken alone or taken in any possible combination would anticipate or would tend to render obvious Applicants' claimed apparatus as set forth in independent claim 1 that is particularly characterized at least by the "receiver" that is operable to "calculate a first average and standard deviation ..."; "identify signal samples that have amplitude levels substantially above the calculated, first average amplitude"; "identify signal samples that have substantially the same phase difference as an adjacent sample"; "estimate a noise level ..."; and "set a dynamic, system threshold above the estimated noise level" taken together and taken in the overall context of independent claim 1.

None of the prior art of record either taken alone or taken in any possible combination would anticipate or would tend to render obvious Applicants' claimed method as set forth in independent claim 13 that is particularly characterized at least by the claimed method steps to "calculate a first average and standard deviation ..."; "identify signal samples that have amplitude levels substantially above the calculated, first average amplitude"; "identify signal samples that have substantially the same phase difference as an adjacent sample"; "estimate a noise level ..."; and "set a dynamic, system threshold above the estimated noise level" taken together and taken in the overall context of independent claim 13.

None of the prior art of record either taken alone or taken in any possible combination would anticipate or would tend to render obvious Applicants' claimed apparatus as set forth in independent claim 22 that is particularly characterized at

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least by the "receiver" that is operable to "calculate a first average and standard deviation ..."; "identify signal samples that have amplitude levels substantially above the calculated, first average amplitude"; "identify signal samples that have substantially the same phase difference as an adjacent sample"; "estimate a noise level ..."; and "set a dynamic, system threshold above the estimated noise level" taken together and taken in the overall context of independent claim 22.

Dependent claims 2-12, 14-21, 23-24 are allowable for at least the reasons for which their respective independent base claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (703) 306-5765. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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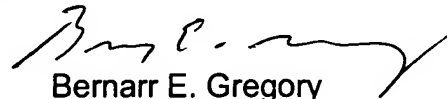
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Bernarr E. Gregory  
Primary Examiner  
Art Unit 3662